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8 Attorneys for Defendant
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA,

18 Plaintiff,

CR 04-40148 DLJ

19 v.

20 STIPULATION AND ORDER TO
21 CONTINUE STATUS HEARING

JOSE CASTELLANOS,

Defendant.

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17 At the request of the parties, the Court enters this order
18 (a) continuing the status hearing presently set for August 1,
19 2008, to January 16, 2009, or to another date convenient to the
20 Court and parties; and (b) excluding time under the Speedy Trial
21 Act from August 1, 2008, based on the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on
23 secured bond, has filed a pending motion to quash the search
24 warrants relevant to the indictment in the above-entitled
25 matter, which has been deferred.

26 2. The parties have engaged in and continue to engage in
27 substantive discussions to resolve this matter short of
28 litigation of motions and trial.

1 3. A status hearing is presently set for Friday, August
2 1, 2007, at 9:00 a.m.

3 4. Based on a number of issues, the parties have not yet
4 been able to schedule a settlement conference with Magistrate
5 Larson to further discuss resolution.

6 5. The parties agree that it is necessary to meet and
7 confer in the hopes of drafting a plea agreement; or at a
8 minimum distill the positions of each party to maximize the
9 focus of the settlement conference.

10 6. There are numerous scheduling obstacles. Ms. Zalkin
11 is currently in jury trial. Mr. Lucey is heavily involved in
12 preparing for a complex trial. Ms. White is in the last month
13 of pregnancy and plans to take a four-month maternity leave.

14 7. Accordingly, the parties agree that additional time is
15 necessary, and furthermore believe in good faith that they can
16 resolve this matter short of litigation/trial.

17 8. Wherefore, the parties hereby request that this matter
18 be continued to January 16, 2009, or to another convenient date.

19 9. The parties stipulate that the time is excludable from
20 the time limitations of the Speedy Trial Act because the
21 interests of justice are served by granting a continuance. This
22 continuance, requested by the parties, will permit continuity of
23 counsel, and allow the reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence.
25 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

26 10. Time is further excluded pursuant to 18 U.S.C.
27 section 3161(h)(1)(F) predicated upon the defendant's pending
28 Motion to Quash, which excludes delay resulting from any pre-

1 trial motion from the filing of the motion through the conclu-
2 sion of the hearing or other prompt disposition of such motion.

3 THE PARTIES THEREFORE STIPULATE that the status hearing be
4 continued from August 1, 2008, with time continuing to be
5 excluded as specified above, such that the ends of justice
6 served by granting such a continuance outweigh the best
7 interests of the public and the defendant in a speedy trial.

8 Dated: July 23, 2008

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10 /s/ SHARI L. WHITE
SHARI L. WHITE
11 Attorney for JOSE CASTELLANOS

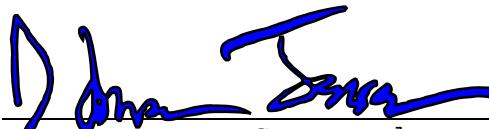
/s/ TIMOTHY J. LUCEY
TIMOTHY J. LUCEY
Assistant U.S. Attorney

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13 **ORDER**

14 Good cause appearing, and based upon the stipulation of the
15 parties,

16 **IT IS HEREBY ORDERED** that the status hearing in this matter
17 is continued to August 29, 2008, at the hour of **9:00 a.m.**
18 and that time is excluded as stipulated.

19 Dated: July 30, 2008

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D. LOWELL JENSEN, Judge
22 United States District Court
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